

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

NEIL SEAN FAGAN,)	
)	
PETITIONER,)	
)	
v.)	CASE NO. CV419-349
)	
UNITED STATES OF AMERICA;)	
WARDEN, STEWART DETENTION)	
CENTER; and ATTORNEY GENERAL,)	
U.S. DEPARTMENT OF JUSTICE;)	
)	
RESPONDENTS.)	
)	

O R D E R

Before the Court is the Magistrate Judge's September 2, 2021, Report and Recommendation (Doc. 24), to which Petitioner has filed objections (Doc. 27). In his objections, Petitioner restates the substantive merits of his claim but fails to address the Magistrate Judge's finding that jurisdiction over this matter rests in the Court of Appeals.¹ (See Doc. 24 at 4-6.) After careful consideration of the record,² the report and recommendation (Doc. 24) is **ADOPTED** as

¹ Although a section of Petitioner's objections is titled "Jurisdiction," Petitioner's arguments are focused solely on whether habeas relief can be granted to an individual who is not in physical custody. (Doc. 27 at 8-9.) Petitioner, however, makes no objection to the Magistrate Judge's finding that federal Courts of Appeals are the sole venue in which an alien may assert claims based on an order of removal. (Doc. 24 at 4.)

² The Court reviews de novo a magistrate judge's findings to which a petitioner objects; and the Court reviews for clear error the portions of a report and recommendation to which a petitioner does not object. 28 U.S.C. § 636(b)(1); see Merchant v. Nationwide Recovery Serv., Inc., 440 F. Supp. 3d 1369, 1371 (N.D. Ga. 2020)

the Court's opinion in this case. Therefore, Respondents' Motion to Dismiss (Doc. 15) is **GRANTED**, and Petitioner's Petition (Doc. 1) is **DISMISSED**. The Clerk of Court is **DIRECTED** to **CLOSE** this case.

SO ORDERED this 23rd day of September 2021.



WILLIAM T. MOORE, JR.
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA

(citing Macort v. Prem, Inc., 208 F. App'x 781, 784 (11th Cir. 2006) (per curiam) (outlining the standard of review for report and recommendations)).